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May 28, 2003

VIA HAND DELIVERY

Regional Director
Lower Colorado Region
Attention: Jayne Harkins
Bureau of Reclamation
500 Date Street
Boulder City, NV 89005

Re: IID Part 417 Review

Dear Regional Director:

On behalf of the Imperial Irrigation District ("IID"), we submit this letter and additional documentation as required by the Notice published by the United States in the *Federal Register* on April 29, 2003, at pp.22738-22739 ("Notice"). This letter, a legal brief ("Brief") coming under separate cover, all materials in the Imperial Irrigation District v. United States litigation (United States District Court, Southern District of California Case No. 03-CV-0069), IID's correspondence to United States counsel (already part of the administrative record), and all the documents submitted herewith constitute IID's initial submittal provided for in the Notice. IID makes this submittal without waiver of any of its rights to contest this process, or 43 C.F.R. Part 417, et seq. ("Part 417").

IID's submittal of new documentation consists of the following basic components: (a) this letter; (b) the Brief, which sets forth IID's position on the Department of the Interior's ("Interior")¹ Part 417 review, both the process and the substance; (c) the enclosed documents submitted by IID for Interior consideration as part of its Part 417 process;² and (d) an affidavit re recusal as to Mr. Robert Johnson.³

¹ IID generally uses the term "Interior" in its submittal to include all Interior actions, whether performed by the Bureau of Reclamation (a part of Interior) or other Interior subagencies.

² Because of the volume of materials submitted, IID will not make copies for other interested persons. We assume copies of all parties' submittals will be available through Interior.

³ Pursuant to Mr. Macfarland's earlier correspondence, which suggested that the Secretary of the Interior would not be delegating authority to Mr. Raley, as she did before, we have not prepared a similar affidavit for Mr. Raley. If for any reason Mr. Raley is to participate, IID will then submit a separate affidavit.

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The IID document submittal is indexed on attached Exhibit "A."⁴ Included in the submittal are the following general categories of items (as well as miscellaneous items not categorized here):

1. Data about IID, CVWD, and MWD;
2. Reports, both new and old, about IID, CVWD, and MWD;
3. New expert analyses about IID, CVWD, MWD, and possible water reduction scenarios;
4. Environmental documentation about the effects of a water cutback;
5. Testimony from irrigators within IID;
6. Testimony from IID's Chief Financial Officer;
7. Testimony regarding the aborted 1994 joint water study;
8. The complete record of the recent State Water Resources Control Board ("SWRCB") proceeding in which IID and the San Diego County Water Authority jointly petitioned for approval of a long-term water transfer;⁵ and
9. Correspondence and miscellaneous documents.

The pages in the document portion of the submittal have not been separately numbered, since we assume that Interior will number them as part of the administrative record it is creating for this matter, and we believed that multiple numbering systems on the documents might be confusing. However, the attached index has a box/item numbering scheme to assist in locating

⁴ Per the instruction in the Notice, IID did not resubmit items already filed in the lawsuit. However, IID hereby gives notice to Interior and all interested parties that every document filed by any party in the lawsuit, all Orders, all letters to the Court therein, and the entire transcript of the hearing on the preliminary injunction motion, are hereby made part of IID's submittal and are incorporated herewith. If Interior did not intend by the Notice to include the hearing transcript or the Court's Orders, please let us know and we will submit those. Additionally, many of the facts recited in IID's briefing were already stated under oath or were otherwise in evidence in the various lawsuit submissions, so the Brief we will submit on May 29 restates such facts in argument.

⁵ This SWRCB record submittal is offered by IID for three main reasons: (a) the exhibits and testimony that IID offered in that proceeding are hereby offered by IID for this Part 417 process as well; (b) it should be helpful for Interior to consider what the SWRCB considered so Interior can understand the context of the SWRCB's Order Number WR 2002-13 and California's concerns about environmental mitigation of tailwater reductions; and (c) to the extent evidence or argument was offered by parties other than IID, then IID submits such matters here as evidence of what those parties contend.

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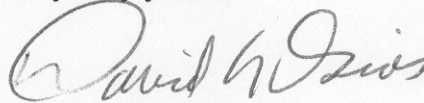
documents and organization. For example, item 10-10 is found behind a slip sheet in Box 10 numbered 10-10.

The volume of materials submitted is large, because Interior has argued (and previously concluded) that IID's historical use is relevant to Interior's current analyses, thus necessitating submittal of IID, CVWD and MWD data covering most of the 20th Century. Additionally, without knowing in advance what exactly Interior would be looking at (Part 417's factors being non-exclusive), or what any other "invitee" to the process will be claiming, IID tried to make sure there was sufficient materials to provide Interior with a comprehensive database and to allow IID sufficient materials to rebut incorrect recommendations or determinations which might be made.

However, despite the fact that the document submittal is large, IID reserves all rights to submit other items at a later date, once it sees what other parties submit. This may be necessary, given that Interior requires simultaneous submissions by all interested persons and by IID.

If Interior has any questions about our submittal, you may contact either David Osias or Mark Hattam at the above address. We look forward to receiving Interior's preliminary recommendations and determinations developed after Interior has reviewed all the submitted materials from all the interest parties, and if such recommendations and determinations result in a reduction to IID, the specific basis for such reduction and all pertinent factual determinations.

Very truly yours,



David L. Osias

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